

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ROSALIND C. WHITEHEAD REVOCABLE  
TRUST DATED 3/8/07, and ROSALIND C.  
WHITEHEAD, in her capacity as Trustee for the  
Rosalind C. Whitehead Revocable Trust dated  
3/8/07 and individually,

Defendants.

Adv. Pro. No. 10-05182 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF ADVERSARY  
PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and

defendants, Rosalind C. Whitehead Revocable Trust dated 3/8/07, and Rosalind C. Whitehead individually and in her capacity as Trustee for the Rosalind C. Whitehead Revocable Trust dated 3/8/07 and (collectively, “Defendants”), and with the Trustee, the “Parties”, by and through their counsel, hereby stipulate and agree to the following:

1. On December 3, 2010, the Trustee commenced this adversary proceeding against Defendants.

2. On August 28, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181] (the “Settlement Agreement”).

3. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding.

4. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

5. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: December 4, 2015

**BAKER & HOSTETLER LLP**

By: s/ Nicholas J. Cremona

45 Rockefeller Plaza

New York, New York 10111

Telephone: 212.589.4200

Facsimile: 212.589.4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Nicholas J. Cremona

Email: ncremona@bakerlaw.com

Christa C. Turner

Email: cturner@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and for the Estate of Bernard L. Madoff*

Lax & Neville, LLP

By: s/ Brian J. Neville

1450 Broadway, 35<sup>th</sup> Floor

New York, NY 10018

Telephone: 212.696.1999

Facsimile: 212.566.4531

Barry R. Lax

Email: blax@laxneville.com

Brian J. Neville

Email: bneville@laxneville.com

*Attorneys for Defendants*

SO ORDERED

Dated: December 4, 2015

/s/ Stuart M. Bernstein

HONORABLE STUART M. BERNSTEIN

UNITED STATES BANKRUPTCY JUDGE